

REMARKS/ARGUMENTS

Restriction Requirement

Because the Examiner has made the restriction requirement final, Applicants cancel Claims 4-9, without prejudice or disclaimer of the subject matter thereof.

Objections to the Specification

The Examiner objects to the specification and contends that there is no description of drawing figures 1a, 2b, 3a, 3b, 4a, 4b, 5a and 5b. Applicants have amended the specification in a manner believed to overcome such objection. No new matter is added pursuant to such amendments.

Rejection of Claims Under 35 U.S.C. §112, Second Paragraph

The Examiner rejects Claims 1-3 and 10 under §112, second paragraph, due to the term “fabricated” in line 2 of Claims 1 and 10, with the Examiner interpreting such word as implying that the bovine animal is being constructed or built. The Examiner suggests that the claims should be amended to read “fabricated into meat sections”. Applicants have adopted the Examiner's suggestion and have amended the claims accordingly. Applicants note, however, that the term “fabricated” would be understood by one of skill in the art in the meat processing industry as meaning the dissection of a carcass. Applicant's contend that the amendment to the claims is not deemed necessary for the patentability of the invention and that it does not narrow the invention in any way, thus Applicants respectfully contend that no Festo-like limitations or surrender of any subject matter results from such amendment. Unless Applicants hear otherwise from the Examiner, they will presume the Examiner concurs in such an understanding.

Rejection of Claims Under Doctrine of Obviousness-Type Double Patenting

The Examiner has rejected Claims 1-3 and 10 under the judicially created doctrine of obviousness-type double patenting. To overcome such rejection, Applicants' counsel submits an appropriate Terminal Disclaimer.

Application No. 10/663,021

Prior Art Made of Record, But Not Relied Upon

The prior art made of record, but not relied upon, has been reviewed, but none of such references, alone or in combination, are believed to render unpatentable any of the claims.

Applicants' counsel requests the courtesy of a telephone interview in the event the Examiner has any further questions or concerns regarding this matter. Applicants' counsel can be reached directly at (303) 863-2977.

Respectfully submitted,

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